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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                      |   |
|--------------------------------------|---|
| -----X                               |   |
| AMERICA SMART CITIES, INC.,          | : |
| Plaintiff,                           | : |
|                                      | : |
| -against-                            | : |
|                                      | : |
|                                      | : |
|                                      | : |
| DORMITORY AUTHORITY OF THE STATE OF: | : |
| NEW YORK, NEW YORK STATE LIQUOR      | : |
| AUTHORITY OFFICE OF CANNABIS         | : |
| MANAGEMENT, DR. EMORY ALEXANDER,     | : |
| M.D., & REUBEN MCDANIEL III,         | : |
| Defendants.                          | : |
| -----X                               |   |

24-CV-5108 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on July 3, 2024, Defendants Alexander and McDaniel (“Individual Defendants”) filed a Notice of Removal in this Court, *see* Dkt. 1;

WHEREAS the Court scheduled a pretrial conference for August 2, 2024, *see* Dkt. 6;

WHEREAS on August 1, 2024, Thomas Bowling, Plaintiff’s CEO, filed a letter requesting that the conference be converted to a telephone or video conference because he was in Chicago, Illinois and could not make it to New York for the conference, *see* Dkt. 9;

WHEREAS as of August 1, 2024, no attorney had appeared on Plaintiff’s behalf;

WHEREAS the Court canceled the August 2, 2024, conference, and ordered that counsel must appear on Plaintiff’s behalf by not later than September 6, 2024, and if counsel does not appear, the Court will dismiss the case; *see* Dkt. 10;

WHEREAS to date, no counsel has appeared on Plaintiff’s behalf;

WHEREAS Plaintiff is a corporation, *see* Dkt. 5 ¶ 1, and corporations may not appear *pro se* and may litigate cases only through an attorney, *see Hounddog Prods., L.L.C. v. Empire Film Grp., Inc.*, 767 F. Supp. 2d 480, 486 (S.D.N.Y. 2011);

WHEREAS on September 4, 2024, the Individual Defendants requested leave to move for default judgment against Plaintiff and to move for sanctions, *see* Dkt. 11; and

WHEREAS on September 7, 2024, the Individual Defendants filed a proposed clerk's certificate of default, *see* Dkt. 12;

IT IS HEREBY ORDERED that this case is DISMISSED without prejudice for Plaintiff's failure to prosecute and to comply with the Court's August 1, 2024, Order requiring it to retain counsel by no later than September 6, 2024.

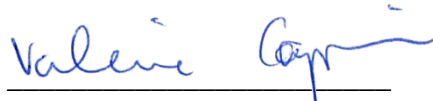
IT IS FURTHER ORDERED that Individual Defendants' motion for leave to move for default judgment and for sanctions against Plaintiff is DENIED. The claims against the Individual Defendants have been dismissed without the Individual Defendants expending significant time or resources. The Court will not entertain further motion practice against a party that has no counsel.

IT IS FURTHER ORDERED that Individual Defendants must serve a copy of this Order on Plaintiff and on the other Defendants and file proof of service on the docket by not later than **Friday, September 13, 2024**.

The Clerk of Court is respectfully directed to terminate the open motion at Dkt. 11, to deny the Individual Defendants' request for a clerk's certificate of default at Dkt. 12, and to close the case.

**SO ORDERED.**

**Date: September 10, 2024**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**